

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Nov 5, 2015

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Invoking Letter of Credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk-Treasurer to invoke CB&S Bank Letter of Credit No. 555579 for Anslee Farms Phase 1-A Subdivision.

Note: If amendment, Please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: _____

Budgeted Item: Not Applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head:  _____

Date: 10-27-05

RESOLUTION NO. 15-_____

WHEREAS, CB&S Bank issued a certain letter of credit (No. 555579), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to CB&S Bank Letter of Credit No. 555579, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 5th day of November, 2015.

President of the City Council
of the City of Huntsville,
Alabama

APPROVED this the 5th day of November, 2015.

Mayor of the City of
Huntsville, Alabama



Amber Evans Phoebe
S. Jewell

Date: Oct. 2, 2014

L/C Number #555579
Amendment #3

<u>Beneficiary:</u>	<u>Account Party</u>	<u>Bank</u>
City of Huntsville P.O. Box 308 Huntsville, AL 35804	WP Madison Investments, LLC 401 E Tuscaloosa St Florence, AL 35630	CB&S Bank 200 South Jackson Ave Russellville, AL 35653

Place of Presentment/Expiry:

CB&S Bank
521 Madison St SE
Huntsville, AL 35801

This is the third amendment to the captioned letter of credit at the request of the Account Party.

Expiration Date Amended to: November 15, 2015

This third amendment must be attached to and become an integral part of the original credit and amendment #1 & 2.

All other terms and conditions remain unchanged.

Sincerely,

Tonya Bell
Senior Vice-President

OK
CEH
11/4/14

MW 10-31-14

MS 10/31/14

P.O. Box 910 • Russellville, Alabama 35653 • 256-332-1710

Member FDIC

Equal Housing Lender

On KCA 11/3/14

Street Trees
See Jan 5/15

Andree Farms Phase 1A
Sidewalks



CB&S Bank

Date: Nov. 12, 2013

L/C Number #555579
Amendment #2

<u>Beneficiary:</u>	<u>Account Party</u>	<u>Bank</u>
City of Huntsville P.O. Box 308 Huntsville, AL 35804	WP Madison Investments, LLC 401 E Tuscaloosa St Florence, AL 35630	CB&S Bank 200 South Jackson Ave Russellville, AL 35653

Place of Presentment/Expiry:

CB&S Bank
521 Madison St SE
Huntsville, AL 35801


This is the second amendment to the captioned letter of credit at the request of the Account Party.

Amended Terms and Conditions: The original amount was \$162,000.00 and was lowered to \$118,500.00 by amendment #1 and the term is to be 1 year from the last expiration date stated in Amendment #1.

Expiration Date Amended to: November 15, 2014
Amount Amended to: \$118,500.00

This second amendment must be attached to and become an integral part of the original credit and amendment #1.
All other terms and conditions remain unchanged.

Sincerely,


Tonya Bell
Senior Vice-President

MS
11/18/13

OK
CE18
11/20/13

F: 8-26-08
A: 1-19-11

MW 11-14-13

OK
11/19/13

P.O. Box 910 • Russellville, Alabama 35653 • 256-332-1710

Member FDIC  Equal Housing Lender

41⁰⁰ = E
112 lots

Anslee Farms Phase 1A,
Sidewalks



CB&S Bank

Date: Nov. 15, 2012

L/C Number #555579
Amendment #1

<u>Beneficiary:</u>	<u>Account Party</u>	<u>Bank</u>
City of Huntsville P.O. Box 308 Huntsville, AL 35804	WP Madison Investments, LLC 401 E Tuscaloosa St Florence, AL 35630	CB&S Bank 200 South Jackson Ave Russellville, AL 35653

Place of Presentment/Expiry:

CB&S Bank
521 Madison St SE
Huntsville, AL 35801

We have amended the captioned letter of credit at the request of the Account Party.

Amended Terms and Conditions: The original amount was \$162,000.00 and has been lowered to \$118,500.00 and the term is to be 1 year from the original expiration date.

Expiration Date Amended to: November 15, 2013
Amount Amended to: \$118,500.00

This amendment must be attached to and become an integral part of the original credit. All other terms and conditions remain unchanged.

Sincerely,

Tonya Bell
Senior Vice-President

MW/12-13-12

MS
12/17/12

OK
CEB
12/27/12

OK
12/21/12

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IRREVOCABLE LETTER OF CREDIT NO. 555579

Beneficiary:

City of Huntsville
P.O. Box 308
Huntsville, AL 35804

Account Party:

WP Madison Investments, LLC
401 E Tuscaloosa St
Florence, AL 35630

Bank:

CB&S Bank
200 South Jackson Ave
Russellville, AL 35653

Place of Presentment/Expiry:

CB&S Bank
521 Madison St SE
Huntsville, AL 35801

Subject: Article 5 Sidewalks / Anslee Farms, Phase 1-A a Resubdivision of Tract A, Anslee Farms, Phase "1"

Amount: \$162,000.00

Issue Date: November 26, 2010

Exp. Date: November 25, 2012

MS
1/12/11

Gentlemen:

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective November 26, 2010, for Sum not to exceed the aggregate of \$162,000.00. Available by your one or more drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to CB&S Bank.

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.


The original of this Letter of Credit must be presented with any drawing.

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents specified.

This Letter of Credit shall be governed by the Laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

CB&S Bank

By:


Tonya Bell
Senior Vice President

OK
CED
2/9/11

P.O. Box 910 • Russellville, Alabama 35653 • 256-332-1710

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OK
2/8/11